

# Exhibit

## B

**Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL )  
COUNCIL OF CARPENTERS PENSION )  
FUND, et al. )  
Plaintiffs, ) Case No. 18 cv 5489  
)  
v. ) Judge Kennelly  
)  
HHD ENTERPRISES, INC, and )  
ROBERT HOUSMAN )  
Defendants. )

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

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Kristina M. Guastaferri declares as follows:

1. I am the Administrator for the Chicago Regional Council of Carpenters Pension Fund, Supplemental Retirement Fund, Welfare Fund and Apprentice & Trainee Program Fund ("Trust Funds") and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. HHD Enterprises, Inc. executed an Agreement with the Chicago Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, HHD Enterprises, Inc. agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, is required to submit monthly reports which list the number of hours worked by its carpenter employees and the Defendant is required to pay contributions based upon the hours listed.

5. Defendant submitted the contribution reports for the period December 2017 through November 2018 but did not pay the contributions. The reports show that \$80,575.19 is owed in ERISA contributions. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$4,420.27 for the period December 2017 through November 2018.

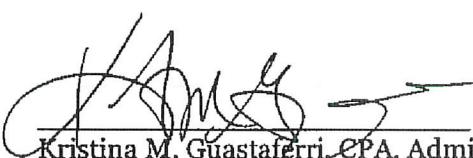
6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$8,244.88 for the period September 2017 through November 2018.

7. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. §1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$2,473.80.

8. A summary of the total claim for **\$96,008.04** is attached hereto and incorporated herein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Signature:



Kristina M. Guastaferri, CPA, Administrator,  
Chicago Regional Council of Carpenters Benefit Funds

HHD Enterprises, Inc.  
 23600 McClintock Road  
 Channahon, IL 60410

04/03/2019

Account # 25629

<u>Contributions</u>	<u>Liquidated Damages</u>	<u>Interest</u>	<u>Dues</u>	<u>Total</u>
Sep-17 \$0.00	\$83.71	\$0.00	\$0.00	\$83.71
Oct-17 \$0.00	\$98.94	\$0.00	\$0.00	\$98.94
Nov-17 \$0.00	\$91.85	\$0.00	\$0.00	\$91.85
Dec-17 \$2,663.07	\$532.61	\$165.30	\$77.44	\$3,438.42
Jan-18 \$1,021.76	\$204.35	\$59.57	\$0.00	\$1,285.68
Feb-18 \$6,226.35	\$1,217.87	\$342.61	\$0.00	\$7,786.83
Mar-18 \$3,256.86	\$579.39	\$165.66	\$218.78	\$4,220.69
Apr-18 \$0.00	\$0.00	\$0.00	\$0.00	\$0.00
May-18 \$7,663.20	\$1,098.90	\$323.11	\$444.96	\$9,530.17
Jun-18 \$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Jul-18 \$8,300.56	\$911.40	\$279.10	\$433.67	\$9,924.73
Aug-18 \$12,183.08	\$1,137.89	\$356.28	\$708.23	\$14,679.38
Sep-18 \$7,062.17	\$545.90	\$177.02	\$449.51	\$8,234.60
Oct-18 \$17,237.05	\$1,058.35	\$357.15	\$1,216.66	\$19,869.21
Nov-18 \$14,961.09	\$683.72	\$248.00	\$871.02	\$16,763.83
Dec-18 \$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Jan-19 \$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals: \$80,575.19	\$8,244.88	\$2,473.80	\$4,420.27	\$96,008.04